

Remarks/Arguments:

1. The specification is amended to correctly recite that the lens is identified by reference numeral 200 in the drawings and to substitute ‘of’ in place of ‘above’ and ‘impinge’ in place of ‘rejoin’. These amendments to the specification correct translation errors previously not found and do not add new matter.

2. Claims 1-10 are pending and stand rejected. Claims 1,3, 5-8 are rejected under 35 U.S.C. 103 as being unpatentable over Ishikawa [226] in view of Kaplan [043], and claims 1-10 are rejected under 35 U.S.C. 103 as being unpatentable over Eichler [147] in view of Kaplan [043]. Claim 1 is amended to incorporate the subject matter of claim 3, and claim 3 is cancelled. The applicant respectfully submits that none of the references individually or in combination teach or disclose what the applicant now claims. Furthermore, Kaplan involves completely different art of which there is no motivation to combine with Ishikawa or Eichler to render the instant invention obvious. For these reasons, elaborated below, the applicant requests reconsideration and withdrawal of the §103 rejections.

A. The applicant’s invention differs functionally and structurally from the prior art.

Functionally, the applicant’s invention provides “a light unit with a movable infrared filter [having] a reduced front surface area” to overcome the prior art disadvantage of such lights (that disadvantage being that such lights have a large front surface area). Pg.1 lines 10-17. The references cited, specifically Ishikawa and Eichler, do not address the feature of infrared night vision of the instant invention.

The applicant's invention differs structurally from the infrared prior art head lamps that enable night vision in that the applicant's structure involves only one reflector rather than the two required by FR 2 756 237. In addition, the applicant's invention as amended herein places the filter downstream of the external reflector focal point or region, unlike FR 2 652 317.

The instant invention differs structurally from Ishikawa and Eichler in that they each include a shade element to block the light beam from the lane of oncoming traffic. These references do not include a filter element that passes infrared light while blocking substantially the visible light beam.

Given that applicant's invention is functionally and structurally distinguishable over the prior art, the applicant submits that the instant invention is patentable.

B. The § 103 rejection improperly requires combining teachings of non-analogous art.

The applicant contends that the cited references do not address the problem to which the claimed invention is directed and even if the references were considered, they would not suggest the invention to one skilled in the art.

The Examiner stated that Ishikawa discloses the claimed invention including a "filter, and filter - carrying means.... However, Ishikawa does not specifically state the filter being opaque to visible light and transparent to infrared light...." (Citations and reference numbers omitted.) Similarly, the Examiner asserts that Eichler discloses the claimed invention including a "filter (20,30)" but does not "specifically state the filter being opaque to visible light and transparent to infrared light...." The Examiner states that Kaplan discloses such a filter, and that it would have been obvious to substitute such a filter for the shade of Eichler or Ishikawa "in order to prevent

blindness caused by the scattering interaction of visible light with water droplets while providing a beam which aids in the detection of obstacles in front of the vehicle as taught by Kaplan [043].”

Applicant respectfully disagrees that either Ishikawa or Eichler discloses a filter. Rather than a filter, Ishikawa discloses shades. The object of Ishikawa is to avoid a flash of substantially the full beam of light when switching between a beam shaded to the right or to the left. The Eichler vehicle headlight also includes shades. The Eichler “further shade device” enables a driver to reduce the maximum illumination intensity. Both Eichler and Ishikawa block a portion of the light beam for the benefit of the oncoming driver. Neither includes a filter since neither is directed to enhancing night vision by infrared light.

Applicant furthermore disagrees that ‘blindness caused by the scattering of visible light’ is the problem to be solved. The applicant solves the problem of the large front surface of a vehicular night vision headlamp. Kaplan, on the other hand, is directed to a marine application headlamp for which the surface area of the lens does not constitute a problem. Since Kaplan does not address the problem solved by the applicant’s invention, it would not have been obvious to combine Kaplan with Ishikawa or Eichler.

Since the cited references are directed to different arts, there is no motivation to combine them. Even in combination, they do not teach or suggest a solution to the problem with which the claimed invention is concerned. For at least these reasons, withdrawal of the § 103 rejections is respectfully requested.

3. Claims 6-8 are amended to change “rotating” to “positioning,” in order to remove

the ambiguity as to whether “rotating” refers to any pivot axis or only to an axis through or along the filter itself. Applicant respectfully asserts that no new matter is added. The specification supports this clarification throughout. For example, the filter is “movable between [two] position[s],” pg.1 line 25-26 and pg.2 line 1-2, and the filter-holding means is capable of “displacement of the filter,” pg.2 line 12-18, or of “rotating the filter” from “a pivot having an axis situated downstream of the active position of the filter,” pg.2 line 19-24.

4. Finally, though the Examiner states that “Eichler [‘147] teaches the disorganizing zone being defined in annular regions of the lens (16),” the applicant respectfully traverses the rejection of claims 9 and 10 under Eichler because Eichler does not disclose annular zones to disorganize visible light.

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Conclusion

The applicant believes this application is in form for allowance and respectfully requests such allowance. If the Examiner feels that an interview would expedite such an allowance, the Examiner may contact the undersigned at 212 415-8715 to schedule such an interview.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4752. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Respectfully submitted,
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